

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LARRY JOHNSON,

Plaintiff,

v.

**THOMAS BRENNEKE; GARRETT
LAMAR MILES; GUARDIAN
MANAGEMENT, LLC; GUARDIAN
REAL ESTATE SERVICES; UPTOWN
TOWER APARTMENTS; LISA
SIMONSON; KELLY PAINE; and
SUNSHINE SALES,**

Defendants.

Case No. 3:21-cv-00582-JR
(Lead Case)¹

Case No. 3:21-cv-00685-JR
Case No. 3:21-cv-00871-JR
(Trailing Cases)

**ORDER ADOPTING F&R AS
AMENDED**

IMMERGUT, District Judge.

On March 27, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”), ECF 129, recommending that Defendants Thomas Brenneke, Guardian Management, LLC, Guardian Real Estate Services, LLC, Uptown Tower Apartments, Kelly Paine, and Lisa Simonson’s Motion for Attorney Fees and Costs, ECF 119, be granted in

¹ All citations are to documents in the lead case unless otherwise noted.

that Defendants should be awarded \$15.06 in costs and denied in all other respects. No party filed objections. For the following reasons, the Court ADOPTS Judge Russo's F&R, except this Court amends the amount to be awarded in costs to \$18.18, which is the correct amount submitted by Defendants for postage and photocopies incurred in this case. *See* ECF 120, Ex. K.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, sua sponte" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 129, and accepts Judge Russo's conclusions. Judge Russo's F&R, ECF 129, is adopted in full, as amended with regard to the cost calculation. Accordingly, costs in the amount of \$18.18 shall be awarded to Defendants Thomas Brenneke, Guardian Management, LLC, Guardian Real Estate Services, LLC, Uptown Tower Apartments, Kelly Paine, and Lisa Simonson.

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IT IS SO ORDERED.

DATED this 25th day of April, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge